

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department - Kakinada Division - Commercial Taxes Check Post, Tuni - Surprise check conducted by the ACB on 23.4.2000 - Departmental action Initiated - Enquiry conducted - Punishment of 2% cut in pension for a period of five (5) years imposed against Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer (Retired) - A.P. Administrative Tribunal set-aside the penalty in O.A.No.6617/2010 - Implementation of the Andhra Pradesh Administrative Tribunal orders - Orders - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 1397

Dt:06.09.2013.

Read the following:-

- 1) Proceedings of the Deputy Commissioner (Commercial Taxes), Kakinada in Ref.No.E1/1379/2000, dated 9.6.2003.
- 2) G.O. Ms. No.877, Revenue (Vig.I) Department, dt.21.08.2010.
- 3) Orders of the APAT in O.A.No.6617/2010 filed by Sri P. Satyanarayana Murthy, ACTO (Retired), dt.18.12.2012.
- 4) Orders of the AP High Court in W.P.No.12463/2013 filed the Government, dt.24.04.2013.

ORDER:

On the allegation of failure to note personal cash in the personal cash register and possession of excess cash by Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer, Commercial Taxes Check Post, Tuni and also allegation of shortage of Government funds at the Check Post; which were noticed during the surprise check conducted by the Anti-Corruption Bureau officials on 23.4.2000, the Deputy Commissioner (Commercial Taxes), Kakinada initiated disciplinary proceeding against the individual and dropped further action against the individual, vide reference 1st read above, as the charges are not held proved against the individual.

2. The Commissioner of Commercial Taxes, Hyderabad reviewed the matter under rule 40 (1) of A.P.C.S (CC&A) Rules, 1991 and referred the matter to Government for finalizing the case under rule 9 of A.P.Revised Pension Rules, 1980, as Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer retired from service on attaining the age of superannuation on 30.9.2003. Government, after examination of the matter, imposed a punishment of 2% cut in pension for a period of five (5) years on Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer (Retired), vide reference 2nd read above, since the decision of the disciplinary authority is not commensurate with the gravity of charges.

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3. Aggrieved by the above orders, Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer (Retired) has approached the Andhra Pradesh Administrative Tribunal by filing O.A.No.6617/2010. The Hon'ble Tribunal in the reference 3rd read above, have set-aside the orders of Government on the ground that no reasons were assigned as to why the Government is differing with the findings of the Enquiry Officers and what are the material facts that was omitted by the Inquiry Officer.

4. Against the above orders, Government filed W.P.No.12463/2013 before the A.P. High Court and the Hon'ble High Court in its orders in the reference 4th read above have dismissed the W.P.No.12463/2013 by observing that there are no grounds to interfere with the impugned order passed by the Tribunal.

5. Government, after careful examination of the matter, have decided to implement the orders of A.P. Administrative Tribunal, dt: 18.12.2012 in O.A.No.6617/2010 filed by Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer (Retired).

6. The Commissioner of Commercial Taxes, AP, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Satyanarayana Murthy, Assistant Commercial Tax Officer (Retired)
through Commissioner of Commercial Taxes, Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.

Copy to:-

The Deputy Commissioner(Commercial Taxes), Kakinanda Division.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
Government Pleader for Revenue (S), A.P. Administrative Tribunal, Hyderabad.
Government Pleader for Services-II, A.P. High Court, Hyderabad.
PS to Principal Secretary to Government, Revenue Department.
Revenue (CT-I) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.